

306 Interagency Agreements

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306 Interagency Agreements

306.1 Authority

1. Foreign Assistance Act of 1961, as amended, (FAA), Section 621(a)
2. FAA Section 632(a)
3. FAA Section 632(b)
4. FAA Section 635(b)
5. Economy Act Sect 1535(a)
6. OMB Circular A-76.
7. Revised Delegation of Authority for Interagency Agreements under FAA 632(b) and Standards for Its Use, dated October 31, 1996.

306.2 Objective

The objective is to make the best use of the resources of other Federal agencies when these resources are particularly or **uniquely suitable** for the requirements of USAID's foreign assistance programs.

306.3 Responsibility

1. Contracting Office
 - a. Responsibility for overall liaison and coordination with a **Participating Agency (PA)** shall be vested in the USAID contracting officer (also known as agreement officer in connection with agreements with other Federal agencies) who is assigned to a technical office's procurement requirements, up to the monetary limits of this individual's warrant.
 - b. The Bureau for Management, Office of Procurement (M/OP) is responsible for negotiating and executing **General Agreements** with other Federal agencies in consultation with other elements of USAID.
2. Senior USAID Management
 - a. Assistant Administrators, Mission Directors, and their deputies are responsible for the determination that the requirements of FAA section 621(a) have been met and for the rationale establishing that a PA has unique or particular suitability to perform the required **technical assistance**.
 - b. Assistant Administrators for Program Bureaus (and their deputies upon redelegation) have been delegated authority, concurrent with the Assistant Administrator for Management, to negotiate and execute interagency agreements for the performance of inherently governmental

functions or of technical assistance activities, provided that these interagency agreements do not authorize other agency or contract personnel to work in USAID offices.

3. Technical Officers

a. Technical Responsibility

The technical officer is responsible for developing the rationale for utilizing other federal agencies and prepare and sending the necessary **Acquisition and Assistance Request Document (AARD)** to the M/OP or the Mission Contracting Office. The technical officer is responsible for overseeing all technical matters with the PA, monitoring the effectiveness of services being provided, and keeping M/OP or the Mission Contracting Office advised of any problems or need for changes.

b. Review of Billings

Technical officers are responsible for reviewing and administratively approving PA billings for work performed under **RSSA's/PASA's**.

4. Paying Office

The paying office is responsible for receiving billings, forwarding them to the technical officer for administrative approval, and processing payments in accordance with HB 19, Chapter 3.

5. Center for Human Capacity Development (G/HCD)

G/HCD has overall responsibility for participant training, and for clearing all AARD's that include an element for participant training.

6. Office of Administrative Services (M/AS)/Mission Executive Officer

When a Participating Agency Service Agreement (PASA) or Resource Support Services Agreement (RSSA) requires USAID to furnish facilities, working space, or other logistic support in kind, M/AS (to the extent required by 306.5.4b) or the Mission Executive Officer (**as required by 306.5.4c**) is responsible for clearing the AARD, prior to its submission to M/OP or to the Mission Contracting Office.

7. Bureau Management Unit

A Bureau management unit is responsible for reporting monthly on the number, kind, and location of PASA/RSSA personnel assigned to work in USAID space and the duration and type of services being performed and

project planned levels of utilization as part of the annual budget submission.

8. Participating Agency (PA)

The PA is responsible for activity performance, including staffing, supervising, making administrative arrangements, backstopping, and reporting, subject to general guidance from USAID.

306.4 Definitions (See GLOSSARY [Word](#) | [PDF](#) | [HTML](#))

ACQUISITION AND ASSISTANCE REQUEST DOCUMENT
DEPENDENT
ECONOMY ACT ORDERS
EMPLOYEE
GENERAL AGREEMENTS
PARTICIPATING AGENCY (PA)
PARTICIPATING AGENCY SERVICE AGREEMENTS (PASA'S)
PARTICULARLY SUITABLE
PASA (FC) PERSONNEL
RESOURCE SUPPORT SERVICES AGREEMENTS (RSSA'S)
**STANDARDIZED REGULATIONS (GOVERNMENT CIVILIANS,
FOREIGN AREAS)**
TECHNICAL ASSISTANCE
TEMPORARY DUTY EMPLOYEES
UNIQUELY SUITABLE

306.5 POLICY

The statements contained within the .5 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

306.5.1 PRIORITY AND CRITERIA FOR THE USE OF OTHER FEDERAL AGENCIES

The following policies shall be followed when using other federal agencies:

- a) Use of Private Enterprise - When appropriately qualified USAID direct-hire staff and/or other appropriate (non-financial) USAID resources are not available, contracts with private enterprise shall be used to the fullest extent practicable for procuring technical assistance.
- b) Use of Federal Agencies - Secondly, USAID shall utilize the resources of other Federal agencies only:

- 1. For Technical Assistance when:

- a. These resources are particularly or uniquely suitable for such technical assistance,
 - b. They are not competitive with private enterprise, and
 - c. They can be made available without undue interference with domestic programs.
2. For inherently governmental functions. **(See Mandatory Reference, [OFPP Policy Letter 92-1](#))**
3. For supplies and services that are routinely provided by a governmental agency to other Governmental agencies under established ordering programs and at established prices that the providing agency has previously established for such items, i.e., off-the-shelf training courses, standard laboratory testing procedures, GSA-stocked office supplies, etc.
4. For other goods or services (generally for the internal management of the foreign assistance program) when:
- a. It is in the best interest of the Government to place such order,
 - b. The serving agency is able to provide or acquire the goods or services ordered, and
 - c. The good or services cannot be provided as conveniently or cheaply by contract with a commercial enterprise.
- c) Justification and Determination - All requests for technical assistance under Participating Agency Service Agreements (PASA's), Resource Support Services Agreements (RSSA's), and other interagency agreements under FAA Section 632(b) must include a Justification and Determination in accordance with FAA Section 621(a) signed by the cognizant Assistant Administrator or Deputy, or the Mission Director or Deputy. **(See [E306.5.3](#))**

E306.5.1 Priority and Criteria for the Use of Other Federal Agencies

The following procedures support the above policies when using other federal agencies:

Justification and Determination - The cognizant Assistant Administrator (AA) or Deputy, or Mission Director or Deputy shall determine whether or not the criteria in 306.5.1b have been met for technical assistance requirements and, if so, shall certify the rationale establishing that a Participating Agency (PA) has unique or particular suitability to perform the technical assistance (the FAA Section 621(a) Justification and Determination). The following summary statement must also be included and signed by the bureau or mission official identified above:

"The proposed agreement shall be exempt from the provisions of OMB Circular A-76 because (1) it is for the provision of technical assistance, and (2) the facilities and resources of the other Federal agency are particularly or uniquely suitable for the technical assistance to be provided, (3) the services can be made available without interfering unduly with domestic programs (i.e. the PA has excess capacity), and (4) the services are not competitive with private enterprise."

In the absence of this statement, the procedures for determining whether to use private or government resources in OMB Circular A-76 shall be applied.

Although it may be possible in some areas for an Assistant Administrator to make a class determination that in a given country certain Federal agencies are particularly or uniquely suited to provide specific technical assistance, in most instances, a case-by-case determination for a specific procurement transaction by an AA or a Mission Director must be made.

306.5.2 GENERAL AGREEMENTS

General Agreements establish policy for working relationships with participating agencies for the provision of services, but shall not in themselves provide such services, which are provided by implementing PASA's and RSSA's. They are authorized pursuant to Sections 621 (a) and 632 (b) of the FAA.

E306.5.2 General Agreements

If there is a variance between a General Agreement with another Federal agency and USAID regulations, the former shall prevail (except where the terms of the Agreement have been superseded by a statutory provision or an Office of Management and Budget requirement or failure to follow USAID regulations would work an inequity on a PA [employee](#))

306.5.3 AGREEMENT REQUIRED FOR REIMBURSEMENT OF ANOTHER FEDERAL AGENCY

If another Federal agency is to be reimbursed for goods or services furnished in support of USAID programs, these goods or services must be authorized by a signed agreement, such as an Economy Act order, a Participating Agency Service Agreement (PASA), a Resources Support Services Agreement (RSSA), or an interagency agreement under the authority of FAA Section 632(b) that is not a PASA or RSSA.

E306.5.3 Agreement Required for Reimbursement of Another Federal Agency

The following forms are to be used for interagency agreements:

a) PASAs - (Form AID 2-2) - PASA's are normally used for activity-specific services performed outside the United States. However, PASA's may also be used to carry out specific activities of USAID/W offices, such as the Global Bureau, when the assistance is tied to a specific Bureau, and to a specific activity goal to be performed within a definite time frame. PASA's involving assigned personnel shall normally be authorized for one fiscal year and renewed each fiscal year thereafter for the life of the activity. However, where forward funding is appropriate, the original issuance or amendment may be for a longer period.

Form AID 2-2, with Appendices A through C, shall be used to establish a PASA.

b) RSSA's (Form AID 240-2) - RSSA's shall be used to obtain general professional support assistance on a continuing basis from another Federal agency. They normally involve performance in USAID/W and are funded only by USAID/W bureaus and offices. RSSA personnel may occasionally provide TDY assistance to Missions. Unlike a PASA, an RSSA has no specific, readily measurable goal to be accomplished within a set time period.

Form AID 240-2, with Appendices A through C, shall be used to establish a RSSA.

E306.5.3a Other Interagency Agreements under FAA Section 632(b)

So long as interagency agreements for performance of technical assistance activities or of inherently governmental functions do not provide for personnel (including contractor personnel) to work in USAID offices, Assistant Administrators for Program Bureaus are authorized to issue these agreements under the authority of Section 632(b) of the FAA. These other (not PASA's or RSSA's) 632(b) agreements are addressed in Authority Reference, ADS 306.1.7: Revised Delegation of Authority for Interagency Agreements under FAA 632(b) and Standards for Its Use, dated October 31, 1996.

E306.5.3b Economy Act Orders

Economy Act orders are requisitions of goods or services placed by one Federal Agency with another, when the head of the requesting agency or designee determines that it is in the best interest of the Government to place such order, the serving agency is able to provide or acquire the goods or services ordered, and the head of the requesting agency or designee determines that the goods or services cannot be provided as conveniently or cheaply by contract with a commercial enterprise. **(See Mandatory Reference, [FAR 17.5](#)).** USAID uses Economy Act authority only when one of its other authorities for transferring funds under interagency agreements is not appropriate.

306.5.4 REQUIREMENTS FOR IMPLEMENTATION OF INTERAGENCY AGREEMENTS

The following requirements must be met for issuance of an interagency agreement.

- a) Request for PA Services - A request for PA services must be made on the AARD, signed by an authorized individual.
- b) USAID/W Logistic Support - Clearance Requirement
 - 1. When (a) a PASA or RSSA requires USAID/W to furnish facilities, working space, or other logistic support in kind and (b) such in-kind support will be in addition to the current allocation to the technical office or to a predecessor PASA or RSSA, Bureau for Management, Office of Administrative Services (M/AS) must clear the AARD prior to its submission to the Bureau for Management, Office of Procurement (M/OP). The M/AS clearance is not required if the technical office does not need to acquire additional resources to furnish the in-kind support to the PASA or RSSA.
 - 2. Each Bureau shall identify a management unit that shall report monthly on the number, kind, and location of RSSA personnel being utilized in USAID space and the duration and type of services being performed. (A copy shall be furnished to the Office of the Inspector General, Office of Security (IG/SEC), M/AS, and M/OP.) In addition, Bureaus shall project planned levels of utilization as part of the annual budget submission.

- c) Mission Logistic Support - Clearance Requirement - The Mission Executive Officer must clear the AARD for all requirements for in-kind support that will be furnished by the Mission.
- d) Communications Products - Approval Requirement - The Multimedia Communications Division of the Bureau for Legislative and Public Affairs (LPA/MC) must approve the production of communications products under PASA/RSSA's, subject to the conditions and standards established for the production of such products under USAID contracts.
- e) Control/Identifier Numbers - Bureau for Management, Office of Procurement, Procurement Support Division, Support Services Branch, (M/OP/PS/SUP) or the Mission Contracting Office shall assign sequential numbers to all PASA's and RSSA's for control purposes.

E306.5.4 Requirements for Implementation of Interagency Agreements

- a) Request for PA Services - The Technical Office shall develop the required FAA 621(a) Justification and Determination, indicating the rationale used to determine the unique or particular suitability of the proposed PA to provide the technical assistance being requested, and listing the factors that have led to the conclusion that the requirements of Section 621(a) of the FAA have been met. The Justification and Determination shall be signed by the cognizant Assistant Administrator or Deputy or the Mission Director or Deputy and be included as an attachment to the AARD for technical assistance activities to be implemented by a PASA/RSSA.

With respect to an AARD amendment, whether or not increasing the scope of work of the PASA/RSSA, 621(a) Justification and Determination need not be reissued if the amendment is accompanied by a certification from the cognizant technical office that the circumstances upon which the existing Justification and Determination were based remain unchanged.

- b) Communications Products - Approval Requirement - A separate estimate of the cost and LPA/MC approval of each communications product (i.e, any printed material [other than non-color photocopy material], photographic services or video production services) must be included with the AARD when the following types of communications product will be produced under an interagency agreement:
 - 1. Any communication products costing over \$25,000, including the costs of both preparation and execution. For example, in the case of a publication, the costs will include research, writing and other editorial services (including any associated overhead), design, layout and production costs.

2. Any communication products that will be sent directly to, or is likely to be seen by, a Member of Congress or Congressional staffer.
3. Any publication that will have more than 50 percent of its copies distributed in the United States (excluding copies provided to CDIE and other USAID/W offices for internal use).

Any request for approval of a covered communication product subsequent to the issuance of the AARD must also provide the same type of cost information and LPA/MC approval and these items must be forwarded to the agreement officer. USAID standards for communication products may be obtained from the agreement officer.

306.5.5 AUTHORITY TO ISSUE AND ADMINISTER PASA/RSSA'S

The authority of USAID and the Participating Agency is as follows:

- a) USAID - The contracting/agreement officer in M/OP or the Mission shall negotiate, issue, and administer all PASA's and RSSA's resulting from the requirements that are generated by the technical office, except where the agreement exceeds the limits of the officer's warrant and/or the organizations involved mutually agree to transfer the pre-award processes from the mission to USAID/W or the post-award administration from USAID/W to the mission to facilitate the management of the PASA/RSSA process.
- b) Participating Agency - The individual committing the PA is not required to have contracting authority to enter into an interagency agreement, as the agreement is not a contract under the FAR. When issued under the authority of FAA section 632(b), however, the interagency agreement is a valid obligation of USAID appropriations. USAID therefore must satisfy itself that the individual executing the agreement on behalf of the PA does in fact have authority to commit the PA to fulfill its obligations under the agreement.

E306.5.5 Authority to Issue and Administer PASA/RSSAs - N/A

306.5.6 FUNDING FOR PASA/RSSA'S AND ECONOMY ACT ORDERS

Unless a waiver is authorized under E306.5.3, PASA's and RSSA's shall be restricted to program funding, i.e., PASA's and RSSA's shall be funded only from appropriations for programs which contribute directly to economic development and are specifically related to identified activities, rather than appropriations for assisting USAID to manage the foreign

assistance program, i.e. operating expense funds. (The Agency's primary guidance on distinguishing between program and operating expense funds appears in [HB 19, Chapter 11](#)).

The restriction on the use of funds from the operating expense appropriation does not apply to other interagency agreements.

E306.5.6 Funding for PASA/RSSA's and Economy Act Orders

On an exceptional basis, the Assistant Administrator for Management (AA/M) or designee may approve Operating Expense funding of PASA's and RSSA's for general USAID management and support services.

306.5.7 OBLIGATION STATUS OF INTERAGENCY AGREEMENTS

The obligation status of interagency agreements depends on the authority under which the agreement is made.

E306.5.7 Obligation Status of Interagency Agreements - N/A

306.5.7a PASA/RSSA AND OTHER SECTION 632(B) AGREEMENTS

A PASA/RSSA or any other interagency agreement issued under authority of FAA Section 632(b) shall constitute an unqualified obligation of appropriated funds. Activities conducted through a PASA/RSSA may be forward-funded when the objectives establish a need for an advance commitment of funds to ensure proper planning and implementation.

E306.5.7a PASA/RSSA and Other Section 632(b) Agreements - N/A

306.5.7b ECONOMY ACT ORDER

An Economy Act order shall be a contingent obligation of appropriated funds, subject to automatic deobligation if not subobligated by the receiving agency within the appropriation's original period of availability.

E306.5.7b Economy Act Order - N/A

306.5.7c SECTION 632(A) TRANSFERS

An interagency transfer under the authority of FAA Section 632(a) does not constitute an obligation; the receiving agency must obligate the funds within the appropriation's original period of availability.

E306.5.7c Section 632(A) Transfers - N/A

306.5.8 PERSONNEL - GENERAL

The PA personnel utilized remain on their parent-agency's employment rolls and subject to its position ceilings. Responsibility for selecting qualified personnel to carry out duties under a PASA/RSSA rests with the PA. Requirements for appropriate country and/or USAID clearances shall be specified in individual agreements.

E306.5.8 Personnel Policy - General - N/A.

306.5.9 PERSONNEL - SALARIES

The following policies apply to payment of personnel under PASA/RSSAs.

E306.5.9 Personnel Policy - Payment

The operating procedures set forth in 306.5.9 - E306.5.9g apply only to service overseas unless otherwise indicated.

306.5.9a FC SCHEDULE

All long term PASA personnel are paid under the Foreign Compensation Schedule (FC).

E306.5.9a FC Schedule

Initial FC salary payment is determined as follows:

1) Establishing FC Salary Range

When requesting establishment of a PASA position, the Mission forwards to the PA, with a copy to M/OP or the Mission Contracting Office, a description of duties, responsibilities, scope of work, and a suggested grade. The PA then classifies the position at the appropriate GS level and notifies M/OP or the Mission Contracting Office. It then converts the GS grade to the Foreign Compensation Schedule (FC) by selecting the FC salary range that coincides with the range of the GS grade.

2) Initial (FC) Appointments (Setting Pay Rates)

All long term (FC) PASA personnel shall be paid under the FC pay schedule while serving overseas. When initially appointed (and if no promotion is involved) the employee shall normally be classified at the FC grade nearest the former GS salary, plus 6%. If the PASA technician is being re-employed in the Foreign Service or is already in the Foreign Service with USAID or another agency, the employee shall be classified at

the nearest FC equivalent to the current salary, provided, that in no case shall the salary decline. In case of choice, the next higher rather than the next lower FC shall be used. If the applicant is not already a Federal employee, salary shall be based on the highest annual rate of earnings during the preceding 3 years, plus 6%. When computing earnings, supplemental earnings that enhance the value of the appointee to the agency, such as earnings from consultant or teaching activities, may be included as part of annual earnings. Earnings for the academic year based on monthly rates for full-time employment may be annualized. However, earnings not related to the occupation under consideration or received as a member of the military reserve, and income earned by family members cannot be credited toward salary determination. To the extent possible, the salary shall be set at the lowest appropriate step for the grade, commensurate with experience.

306.5.9b PROMOTIONS - LONG-TERM FC EMPLOYEES

Types of Promotions for Long-Term FC Employees:

- 1) There are two types of promotions: When the employee first enters on duty, and when he/she assumes greater responsibilities while overseas.
 - a. The first type of promotion occurs when an employee is classified at a grade lower than that called for by the PASA-position. The employee must first be eligible for promotion under the Whitten Amendment. If this criterion is met, the employee is then classified by the PA at the proper GS level. This shall then be converted to the nearest equivalent FC grade at the lowest step that represents an increase equivalent to two steps in the GS series.
 - b. The second type of promotion occurs when an employee transfers to a position of greater responsibilities, or when duties are upgraded while the employee is overseas.
- 2) When a person is already occupying an FC position and is transferred to an established FC position of higher level, the person can be automatically promoted by the PA upon assignment to the higher position.
- 3) If the duties and responsibilities of the position to which the incumbent is assigned appear to have increased, the Mission shall send a revised position description to M/OP or the Mission Contracting Office, which, if approved, is sent to the PA for reclassification. In some instances the PA may take the initiative for reclassification of the duties to

a higher level. In such cases, Mission approval shall be obtained before final action is taken. To be eligible for promotion, whether resulting from transfer or reclassification action, the PASA technician must have been in an FC grade at least one year.

E306.5.9b Promotions - Long-Term FC Employees - N/A

306.5.9c DOMESTIC ASSIGNMENT PROMOTIONS

Promotions for PA employees in domestic assignments shall be done in accordance with the personnel policy of the PA.

E306.5.9c Domestic Assignment Promotions - N/A

306.5.9d STEP INCREASE FOR FC EMPLOYEES - WAITING PERIOD

To be entitled to a step increase to Steps 2 through 7, an employee must have 52 continuous calendar weeks in the prior step; the effective date shall be delayed by the amount of any leave without pay in excess of 2 work weeks during the waiting period. For a step increase to Steps 8 through 10, an employee must have 208 continuous calendar weeks in the prior step; the effective date shall be delayed by any leave without pay in excess of 8 work weeks during the waiting period.

E306.5.9d Step Increase for FC Employees - Waiting Period - N/A

306.5.9e STEP INCREASE FOR FC EMPLOYEES - ELIGIBILITY DATE

The employee's agency determines the eligibility date and obtains a certificate from the PASA technician's supervisor that the employee has met the standards required for efficient conduct of the work or service prior to completion of the waiting period. The PA sends copies of the SF 1126, Payroll Change Slip (or any other equivalent form) to the Mission where the employee is stationed and M/OP when action is completed.

E306.5.9e Step Increase for FC Employees - Eligibility Date - N/A

306.5.9f MERITORIOUS INCREASES

Meritorious increases for FC/PASA employees shall be recommended by the Mission Director or USAID Representative to the PA using Form AID 4-404, Recommendation for a Quality or Meritorious Increase. Where the request is for an increase of more than one step within a 52-week period, approval must be obtained from the Office of Human Resources Development and Management (HR) before the PA is notified. A copy of

any recommendation for meritorious increase must be sent to the M/OP or the Mission agreement officer.

E306.5.9f Meritorious Increases - N/A

306.5.9g LANGUAGE INCENTIVE INCREASES

An employee may be eligible for incentive payments for proficiency in an USAID incentive language (See [Handbook 28, Chapter 4, Foreign Language Program](#)) that is needed in the country to which the employee shall be assigned. The level of proficiency shall be established by a National Foreign Affairs Training Center (NFATC)-administered language examination. The test results shall be sent to M/OP or the Mission Contracting Office and then transmitted to the PA for action in putting the incentive payment into effect.

E306.5.9g Language Incentive Increases - N/A

306.5.10 PERSONNEL - ASSIGNMENTS

The following policies apply to assignments of employees of the PA under PASA/RSSAs.

a) Long-Term Assignments - Long-term assignments for PA employees shall be overseas tours of a year or more, customarily 2 years, either to work with their technical counterparts in developing nations, usually in building or strengthening an institutional competence, or assigned to Mission staff. These employees shall, except in special circumstances, be entitled to be accompanied by **dependents** and to shipments of a privately owned vehicle and their household effects. When on assignment, they shall be subject to the same rules and regulations and entitled to most of the privileges and support accorded USAID direct-hire employees.

b) Short-Term Assignments - Short-term assignments, Temporary Duty Travel (TDY), under the PASA shall normally be filled by the PA's regular, full-time GS employees.

c) Foreign Assignments - Foreign assignments normally require prior notification to or approval by the cognizant Mission and country. Whether prior notification or actual advance approval is required before assignment shall be determined by each Mission on a country-by-country basis. For any overseas assignment, the PA shall insure that all nominees shall be properly cleared with the appropriate backstop officers in the sponsoring USAID Bureau or Office. No reimbursement shall be made for any

services for USAID unless a person has the proper security clearance at the time the service was rendered.

d) Domestic Assignments - For domestic assignments, nominees for professional positions must be cleared with M/OP, IG/SEC, and any other offices considered appropriate by the agreement officer.

e) Consultations - PASA technicians assigned overseas may undertake TDY's in either Washington or at another overseas post when approved by both the cognizant Mission and the PA.

f) Determination of Next Assignment - At least six months prior to completion of an FC assignment, if the PASA employee desires another tour of duty and the Mission concurs, a memorandum must be signed by the Mission Director, cleared by HR to certify that desired skills are not available in USAID's direct hire workforce, and forwarded to M/OP or the Mission Contracting Office requesting the extension. M/OP or the Mission Contracting Office will consult with the PA and concerned Regional Bureau and advise the Mission. When the PASA employee is not returning to an USAID post, the decision as to the next assignment will be made with the PA.

g) Nominations - The policies on nominations for long and short term assignments follow.

1. Long-Term PASA (FC) Assignees - Personnel proposed for long-term FC assignment for a regular tour must be officially nominated to the Mission for approval. Nominations shall be sent by the PA after clearance by the funding USAID office, and M/OP or the Mission Contracting Office. As a minimum, nominations shall specify the employee's name, date of birth, family setup, education, and previous work experience.

2. TDY Services - Formal nominations shall not be required for TDY assignments. Relevant facts regarding the TDY candidate shall be cabled to the Mission by the PA after clearance by the USAID technical officer and M/OP or the Mission Contracting Office.

h) Tours of Duty - A tour of duty shall usually be 24 months for an FC employee. However, it can be as little as one year or as long as 36 months. Persons with tours of less than 18 months are not eligible for home leave. Those with tours of less than 24 months shall not be entitled to rest and recuperation travel. Tours of duty can be shortened or lengthened with the concurrence of the Mission Director at the employee's duty station and of M/OP or the Mission Contracting Office.

E306.5.10 Personnel - Assignments - N/A

306.5.11 PERSONNEL - PERFORMANCE RATINGS

All official performance ratings must be prepared by the PASA/RSSA employee's official supervisor in the PA. USAID shall prepare unofficial performance ratings using the PA's form (to be provided by the PA) when requested to do so by the PA. Otherwise, PASA/FC employees assigned overseas shall receive unofficial ratings on USAID forms.

E306.5.11 Personnel - Performance Ratings

The following procedures apply to the preparation of the unofficial rating of PASA/RSSA employees.

- a) Ratings Preparer - In the case of the PASA/RSSA Chief of Party, the unofficial rating shall be prepared by the Mission Director or his/her designee; in the case of other employees, either the direct USAID supervisor or the PASA/RSSA Chief of Party shall prepare the rating.
- b) Ratings Schedule - Performance ratings, when specifically requested by the PA, must be submitted in accordance with its schedule.
- c) Ratings Copies - One copy of the performance rating is retained by the Mission, one shall be given to the employee.

306.5.12 PERSONNEL - LEAVE

The following policies apply to FC personnel except where otherwise noted.

- a) Home Leave - Home leave shall be accrued on the same basis as for USAID direct-hire staff. Assigned FC/PASA personnel shall be required to take home leave after serving the requisite time outside the United States, when:
 - 1. The person is scheduled to return to post, or
 - 2. The employee has been specifically proposed for another existing overseas position with USAID, the employee's agency, another agency, or an international organization.

Exceptions to these requirements may be approved by M/OP or the Mission Contracting Office.

b) Accrued or Terminal Leave - Long-Term PA Assignees - For both overseas and U.S.-based PA employees, payment for accrued leave may be made upon completion of assignment if the PA vouchers for it. In accordance with regulations, USAID shall reimburse the PA only for that leave earned by the employee while working for USAID, less any leave taken during the employee's USAID service.

c) Accrued or Terminal Leave - Short-Term TDY Assignments - Where a PA employee is on a short-term assignment (not a regular FC tour), PA's may charge USAID with a leave factor (i.e., payment for earned leave while employee was on TDY assignment).

E306.5.12 Personnel - Leave - N/A

306.5.13 PERSONNEL - LANGUAGE AND OTHER TRAINING

Except as provided in b) below:

a) All candidates for PASA assignments which require a specific degree of competence in a foreign language must have their language proficiency confirmed by NFATC language testing prior to departure for post. If the Mission revises the language requirement, the AARD must be amended accordingly.

b) The USAID agreement officer may authorize exceptions to the above language testing and to the orientation requirements when the candidates experience and circumstances indicate that doing so is clearly in the best interests of USAID, the PA, and the candidate. This exception shall be used particularly where it is obvious that the expenses to be incurred would not be commensurate with any benefits to be accrued. The above determination shall be made in writing and indicate that prior written concurrence has been obtained from the Mission to which the candidate is being posted, and in the case of a waiver of predeparture orientation, written concurrence shall also be obtained from Office of Human Resources, Training Division.

E306.5.13 Personnel - Language and Other Training - N/A

306.5.14 PERSONNEL - TERMINATION AND REMOVAL FROM USAID FUNDING

The following policies cover completion or termination of PASA/RSSA assignments.

a) Termination of Service Before Scheduled Date - When a program is curtailed or terminated, USAID determines which employees (direct-hire,

PASA, or contract) are to be retained. If a PASA employee's appointment is to be terminated, the PA shall be given adequate advance notice of termination plans.

b) Reduction-in-Force - There is no reduction-in-force competition between direct-hire and PASA staff.

c) Removal of PA Employees from USAID Funding - An assigned employee, on completion of the assignment, where the employee is not entitled to home leave, shall cease having salary and benefits attributable to USAID under a Foreign Service Assignment not later than the next regular pay period ending after the employee's return to the United States. Exceptions may be made to this rule with the concurrence of M/OP or the Mission Contracting Office.

E306.5.14 Personnel - Termination and Removal from USAID Funding - N/A

306.5.15 PERSONNEL - PASA (FC) EMPLOYEES' PRIVILEGES AND IMMUNITIES

All PA direct-hire employees stationed overseas and funded under PASA's are entitled to the same privileges and immunities as an equivalent USAID direct-hire employee at the same post (though not necessarily from the same source as USAID direct-hire staff). They are to receive the same APO, Commissary, PX, and club privileges as USAID direct-hire employees when allowed by the regulations of the organization to which the facility is attached. PASA employees and their dependents are entitled to the same health benefits as USAID direct-hire employees.

E306.5.15 Personnel - PASA (FC) Employees' Privileges and Immunities - N/A

306.5.16 PERSONNEL - STANDARDS OF CONDUCT

PASA personnel and their dependents are required to maintain high standards of personal conduct expected of U.S. Government officials representing the United States overseas. Failure to do so can lead to disciplinary action.

E306.5.16 Personnel - Standards of Conduct - N/A

306.5.17 PERSONNEL ACTIONS

Copies of all personnel actions involving FC personnel appointments, transfers, promotions, and terminations during the period of USAID funding shall be sent to M/OP or the Mission Contracting Office.

E306.5.17 Personnel Actions - N/A

306.5.18 PERSONNEL - TIME AND ATTENDANCE REPORTS FOR OVERSEAS PA TECHNICIANS

Time and attendance records are the responsibility of the employee serving overseas and must be forwarded to the appropriate PA for record keeping and processing salary checks. In addition, Mission supervisory personnel may require copies for the Mission records.

E306.5.18 Personnel - Time and Attendance Reports for Overseas PA Technicians - N/A

306.5.19 OPERATING PRINCIPLES - PA PERSONNEL RECORDS

The personnel records and location of all PA employees shall be maintained by the Agency.

E306.5.19 Operating Principles - PA Personnel Records - N/A

306.5.19a CONTRACTING OFFICE FILES

M/OP or the Mission Contracting Office shall maintain files on assigned PA technicians. It is the responsibility of the PA to keep M/OP or the Mission Contracting Office informed of the whereabouts of its employees on duty with USAID.

E306.5.19a Contracting Office Files - N/A

306.5.19b REPORT ON PA EMPLOYEES IN USAID SPACE

Each USAID/W Bureau or Office and Mission Program Office shall inform M/AS or the Mission Executive Office, M/OP or the Mission Contracting Office, and IG/SEC of all PA employees working in their space.

E306.5.19b Reports on PA Employees Working in USAID Space

Each USAID/W Bureau or Office and Mission Program Office shall inform M/OP or the Mission Contracting Office, M/AS and IG/SEC of all PA employees working in their space. A report shall be submitted by the first working day of each month to M/AS or the Mission Executive Office, IG/SEC, and M/OP or the Mission Contracting Office. This report shall contain the following information:

- USAID Organization
- Building and Room Number

- Participating Agency
- PASA/RSSA No.
- Name and Title of Employee(s)

306.5.19c PA REPORTS

PA's shall submit quarterly reports to USAID on personnel assigned to USAID. PA's shall submit semiannual reports on their USAID-funded full-time employees stationed in the United States.

E306.5.19c PA Reports

PA's shall submit quarterly reports to USAID within 15 days after the end of the quarter. These reports shall include the number of both assigned and temporary duty personnel who have been assigned to USAID at any time during that quarter.

306.5.20 OPERATING PRINCIPLES - TRAVEL AND SHIPMENTS OF EFFECTS

The following operating principles apply to overseas travel and shipment of effects of PASA employees:

- a) All travel and shipments originating in the United States are the responsibility of PA's.
- b) Except as provided for in c), travel and shipments originating abroad are the responsibility of USAID.
- c) In some instances, involving repatriation, and particularly where local currencies are involved, USAID can arrange travel only to the port of entry. The movement of persons, autos, or household effects from there to the final destination becomes the responsibility of the PA.
- d) PASA personnel are governed by the same travel regulations and are entitled to the same travel benefits as USAID direct-hire employees, i.e., air freight, weight provisions, time at post before becoming eligible for rest and recuperation, travel, and home leave.

E306.5.20 Operating Principles - Travel and Shipments of Effects

The following procedures apply to overseas travel and shipment of effects of PASA employees:

- a) Arrival and Departure Notices - Missions shall issue arrival and departure notices for PASA employees in accordance with the policy governing direct-hire employees.

- b) Communications Regarding Travel - Communications regarding travel shall be handled by the PA in collaboration with the appropriate regional bureau, technical officer, M/OP or the Mission Contracting Office, and other USAID offices, as required.
- c) Approval of International Travel - All international travel must be approved, prior to departure, by M/OP or the Mission Contracting Office and the funding USAID/W Bureau or Office and the Mission to which the employee is being posted.
- d) USAID/W Funded TDY's - When the TDY is no more than 30 days and the person who is traveling is paid from an USAID/W account on a regular or full-time basis, the cost of the employee's travel is chargeable to the same activity as salary. TDYs are only chargeable to Missions when the Mission is also paying salary and other costs. TDYs longer than 30 days are chargeable to the benefited party's account. For overseas TDYs of 30 days or less, per diem is paid by the PA from the funds obligated under the PA agreement. When a TDY is more than 30 days, per diem is paid directly by the Missions. However, if the TDY is provided for in a PASA or RSSA, an exception may be made and the PA shall continue to pay when:
 - 1. The TDY involves several posts in different areas, and the assignment is not under one central regional organization, or
 - 2. The PASA personnel are Washington-funded and it would not be practical for the USAID Mission to back-charge USAID/W through an Advice of Charge.

306.5.21 OPERATING PRINCIPLES - SECURITY REGULATIONS

USAID security regulations ([See ADS 566 - HB 6](#)) apply to all PA employees (and dependents, when applicable) employed under a PASA/RSSA. Whenever the services to be performed are of a critical or sensitive nature, a full-field investigation is required. No payment will be made to a PA for employee services performed for USAID unless the employee has been security cleared in accordance with USAID regulations.

E306.5.21 Operating Principles - Security Regulations - N/A

306.5.21a OVERSEAS ASSIGNMENT

- 1) Detail of 60 Days or Less - No security clearance is required for details of 60 days or less in any 12-month period as long as the PA employee (a)

has no access to administratively controlled or classified material, (b) is not performing services on a regular basis on USAID/Embassy premises, and (c) does not attend internal USAID/Embassy staff meetings on a regular basis. If any of the foregoing conditions are present, a National Agency Check and Inquiry (NACI) is required. USAID's Office of Security must concur in any extension of or renewal of an assignment beyond 60 days.

2) Detail Between 60 and 129 Days - A NACI must be conducted for a detail of between 60 and 129 days in any 12-month period.

3) Services of 130 Days or Longer - A full-field investigation must be conducted for the clearance of all PA employees providing services of 130 days or longer.

E306.5.21a Overseas Assignment - N/A

306.5.21b SERVICE IN THE UNITED STATES

1) No security clearance is required for PA personnel performing services for USAID unless such persons will be working in an USAID building on a regular basis or must have access to administratively controlled or classified material. If they are to have access to this type of material, a NACI or higher clearance is required as circumstances dictate.

2) PA employees who work in an USAID office on a regular basis (2 or 3 days a week) must possess a security clearance. This will involve an NACI for a non-critical-sensitive position and a full-field investigation for a critical-sensitive position.

E306.5.21b Service in the United States - N/A

306.5.21c PA CERTIFICATION OF SECURITY CLEARANCE

The PA shall order the security investigation appropriate to the criticality and sensitivity of the position. Upon its issuance of a security clearance, the PA shall submit a certification to USAID, using Form AID 2-5, "Participating Agency Certification of Candidate's Qualifications." The form AID 2-5 shall be accompanied by the employee's current SF-86, "Security Investigation Data for Sensitive Positions," together with copies of all investigations.

E306.5.21c Pa Certification of Security Clearance - N/A

306.5.21d WAIVERS

In order for a PA employee to begin duty pending completion of a full-field investigation, a security waiver must be granted by the Administrator.

E306.5.21d Waivers

The waiver request shall be submitted through M/OP or the Mission Contracting Office, to IG/SEC for its written comments, and to the Administrator for a determination on the appropriate action to be taken. The waiver request, together with the Administrator's determination, shall be returned through M/OP or the Mission Contracting Office to the PA, and it becomes a part of the employee's security file. When the full-field investigation is satisfactorily completed, the PA shall so certify to USAID in accordance with 306.5.21c.

306.5.21e MARRIAGE TO AN ALIEN

If a PA employee working for USAID marries an alien while serving abroad, the security clearance must be revalidated.

E306.5.21e Marriage to an Alien

The Mission Director shall recommend revalidation of the security clearance to the Embassy Security Officer if a PA employee working for USAID marries an alien while serving abroad.

306.5.22 OPERATING PRINCIPLES - APPLICATION OF USAID REGULATIONS

PA personnel working under a PASA/RSSA in the United States shall operate in accordance with the rules and regulations of their parent agency unless otherwise required by USAID legislation or regulations.

When overseas, PA personnel shall operate in accordance with USAID rules and regulations and receive the benefits of comparable USAID direct-hires.

E306.5.22 Operating Principles - Application of USAID Regulations - N/A

306.5.23 CONTRACTING UNDER PASA's AND RSSA's

The policies on contracting by PA's under PASA's and RSSA's are covered in this section. In this context, contracting includes the issuance of purchase orders, grants, cooperative agreements, Intergovernmental Personnel Act assignments, and the employment of experts and consultants under authority of 5 U.S.C. 3109 by PA's under PASA's and RSSA's.

E306.5.23 Contracting under PASA's and RSSA's - N/A

306.5.23a REQUIREMENT FOR PA TO PROVIDE SERVICES

When the PA has been determined to have unique or particular suitability to provide technical assistance under the PASA or RSSA, the PA shall normally provide most, if not all, required technical assistance from its own permanent, in-house staff or pre-existing contracting-out arrangements that have been implemented to support the PA's regular, domestic functions.

E306.5.23a Requirement for PA to Provide Services - N/A

306.5.23b USAID APPROVAL REQUIREMENT

Each contracting action by a PA specifically in support of a PASA/RSSA must be individually authorized in advance in writing by M/OP or the Mission agreement officer. Whenever contracting under a PASA or RSSA is proposed, USAID shall first consider whether it should contract directly for the services proposed to be contracted by the PA.

E306.5.23b USAID Approval Requirement

PA's must be requested to clearly indicate the extent of anticipated contracting in its budget submissions to USAID. When preparing the AARD for M/OP or the Mission Contracting Office to negotiate a PASA or RSSA, the technical officer must examine closely the propriety of the PA's contracting-out plan, bearing in mind that USAID shall be required to pay the PA overhead on all costs incurred, including contracting-out effort, and must justify to M/OP or the Mission Contracting Office any line item for contracting or consulting services. This justification must be included with the AARD. If a PA proposes to make a "grant" under a PASA/RSSA to another Federal agency, the cognizant USAID agreement officer must be satisfied that the PASA/RSSA agency has the authority to make grants to another Federal agency and that the recipient Federal agency has authority to receive them.

306.5.23c PA's PROCUREMENT PROCEDURES

A PA contracting under a PASA/RSSA must follow its own procurement procedures, particularly the Federal Acquisition Regulation (FAR). It shall not use a PASA/RSSA as a vehicle to avoid FAR restrictions, such as the Competition in Contracting Act or small and minority business set-aside requirements. The PA shall follow certain USAID regulations, such as USAID approval of salaries in excess of the ES-6 level, the AIDAR provisions with respect to source, origin, nationality and commodity

eligibility, and ADS Chap 320 marking requirements to identify USAID contributions to program-financed commodities, equipment, or activities.

E306.5.23c PA's Procurement Procedures

Any USAID-specific regulations which USAID requires a PA to follow must be identified in the PASA/RSSA.

306.5.23d PROHIBITION ON PROPOSING SUBCONTRACTORS

USAID employees shall not propose the names of individuals, firms, or institutions to employees of another agency for contracting under PASA's or RSSA's.

E306.5.23d Prohibition on Proposing Subcontractors - N/A

306.5.23e PERSONNEL COMPENSATION - APPROVAL REQUIREMENT

For consistency among USAID-funded contractors, PA's must obtain advance approval from M/OP or the Mission Contracting Office to authorize personal compensation in excess of the ES-6 level, for other than grants or cooperative agreements. This requirement extends to the personal compensation elements of negotiated fixed-price or lump-sum contracts, when personal compensation elements are specifically identified in the proposal, and when they are specifically discussed in negotiating the contract amount.

E306.5.23e Personnel Compensation - Approval Requirement

The procedures in AIDAR, Appendix G, shall be followed in this approval process.

306.5.24 Billing and Payment Policy

The billing and payment process shall be conducted as expeditiously as possible, relying on electronic means of commerce to the maximum extent practicable.

E306.5.24 Billing and Payment Policy

Sub-Essential Procedures E306.5.24 a - f are billing and payment procedures that apply to PASA/RSSAs.

E306.5.24a USAID/Washington Paying Office

If the paying office specified in the agreement is USAID/Washington, the On-line Payment and Collection (OPAC) system is required to be used under U.S. Department of the Treasury regulations. Agencies or departments not having access to OPAC may continue to use Standard Forms 1080 or 1081 for billings until access is available.

E306.5.24b Mission Paying Office

If an USAID overseas mission is designated as the paying office, the PA must use Standard Forms 1080 or 1081 procedures because the missions can not process OPAC billings.

E306.5.24c Financial Status Report

The PA shall submit a Financial Status Report to the paying office with each billing to itemize expenditures to the level of detail specified in the PASA Budget Plan (Form AID 2-2A) or the RSSA Budget Agreement (Form AID 240-2A). The Financial Status Report shall substantially follow the format to PASA/RSSA Standard Provisions (**See Mandatory Reference, [PASA/RSSA Standard Provisions.](#)**)

E306.5.24d Unallowable Costs

Amounts determined to be unallowable under the agreement shall not be reimbursed or shall be charged-back to the PA if payment was made prior to such a determination.

E306.5.24e Supplemental Memorandum

Additional details of PA-specific billing procedures may be included in a supplemental memorandum of understanding between the two agencies, which shall be attached or referenced in the schedule if applicable.

E306.5.24f Administrative Approval

1) Technical Officer's Approval

The paying office shall submit the billing received from the PA to the technical officer for an administrative approval of the billing.

Administrative approval of the billing shall signify that the technical officer is satisfied that the services billed have in fact been performed and that to the best of the technical officer's knowledge, such services are in accordance with the agreement. If the billing is determined to be correct, the technical officer shall approve the bill by signing and dating the statement and completing the checklist which are prescribed in HB 19,

Chapter 3, H2 "Agency Approvals for Certifications" and returning them to the paying office.

2) Questioned Costs

If there is reason to question the billing, the technical officer shall indicate in a memorandum to the paying office (copy to M/OP or the Mission Contracting Office) the cost(s) questioned and the basis for questioning these cost(s).

3) Timing of Approval

The technical officer shall either furnish the administrative approval to the paying office or advise it of any reservations within five business days of receiving the billing.

4) Review of Questioned Costs

If the technical officer questions an item of billing, the paying office shall analyze the billing and preliminarily ascertain the merit of the technical officer's contention. Upon finding the contention to be material and proper, the paying office shall convey the contention concerning the billing to the PA, but it shall not negotiate the questioned item(s) with the PA. If the PA accepts USAID's contention on the questioned cost(s), adjustment(s) in payment shall be made.

5) Discussion of Questioned Costs

If the PA disputes the contention on the questioned cost(s), the paying office shall refer the issue to the USAID agreement officer in M/OP or the Mission. The agreement officer shall represent USAID's interests in bilateral discussions between the two agencies to achieve a resolution of the dispute that equitably reflects the costs and benefits accruing to the respective agencies.

306.5.25 PA REPORTING AND EVALUATION OF PASA/RSSA SERVICES

The PA shall keep USAID fully informed of the significant developments in its performance under the PASA/RSSA, and it shall regularly report to the program and contracting offices on the technical aspects of the services performed under the PASA/RSSA.

PASA and RSSA services must be evaluated periodically, preferably annually or semi-annually, in accordance with USAID's evaluation procedures appropriate for the services being performed.

E306.5.25 PA Reporting and Evaluation of PASA/RSSA Services - N/A

306.6 Supplementary Reference

[USAID Operations Manual for Participating Agencies](#)

306.7 Mandatory References

[ADS 566 - HB 6](#)

[FAR 17.5](#)

***** [Guidance on Funding Foreign Government Delegations to International Conferences](#)

[Handbook 19, Chapter 11](#)

[Handbook 28, Chapter 4, Foreign Language Program](#)

[OFPP Policy Letter 92-1](#)

[PASA/RSSA Standard Provisions](#)

Glossary Terms for 306

***Acquisition and Assistance Request Document (AARD)**

The document for transmitting the contracting, assistance, or PASA/RSSA requirement from the technical office to M/OP or the Mission contracting office. (**Chapter 306**)

Dependent

(1) a spouse; (2) children who are under 21 years of age and unmarried or, regardless of age, are incapable of self-support (children include step - and adopted - children and those who are under legal custody of the employee or spouse and are dependent upon and normally reside with the employee and are expected to be under guardianship of the employee until 21 years of age); (3) parents (including step - and legally adoptive - parents) who are at least 51 percent dependent on the employee for support; and (4) brothers and/or sisters (including step - and adoptive - brothers and/or sisters) who are 51 percent or more dependent on the employee, unmarried and under 21 years of age. However, there is no age limit if they are physically or mentally incapable of self-support. (Chapter 306)

Economy Act Orders

Requisitions for goods or services placed by one Federal Agency with another (using FAR 17.5 procedures) under Economy Act Section 1535(a). USAID rarely uses Economy Act Orders when transferring funds to other agencies, since the specific authorities under FAA Sections 632(a) and 632(b) generally cover the same types of transactions and are more appropriate to use. (Chapter 306)

employee

A direct-hire employee of USAID or a Participating Agency.
(Chapter 306)

General Agreements

Overall agreements with Participating Agencies to establish policy for working relationships with those agencies for the provision of services, but shall not in themselves provide such services, which are provided by implementing PASA's and RSSA's. They are authorized pursuant to Sections 621 (a) and 632 (b) of the FAA. They have been executed with those Federal agencies most often called upon for assistance: the Departments of Agriculture (USDA), Commerce, Health and Human Services (HHS), Interior, and Labor, and the General Services Administration (GSA).
(Chapter 306)

Participating Agency (PA)

A Federal agency providing technical assistance under a PASA or RSSA.
(Chapter 306)

Participating Agency Service Agreements (PASA's)

Agreements between USAID and other Federal agencies for specific services or support tied to a specific activity goal to be performed within a definite time frame. (Chapter 306)

Particularly Suitable

The proposed Participating Agency has a clear and substantial superiority to other sources, both private and public, in providing the required technical assistance. (Chapter 306)

PASA (FC) Personnel

PA employees who have been appointed as non-career foreign services officers and are "assigned" overseas under a PASA for a year or more. (Chapter 306)

Project Implementation Order/technical Services (PIO/T)

The document for transmitting the PASA/RSSA requirement from the technical office to M/OP or the Mission contracting office. (Chapters 306, 321)

Resource Support Services Agreements (RSSA's)

Agreements between USAID and other Federal agencies to obtain continuing general support assistance which has a broad objective, but no specific readily measurable tasks to be accomplished within set time frames. (Chapter 306)

Standardized Regulations (Government Civilians in Foreign Areas)

A publication of the Department of State, Allowances (SR)Staff, covering the various support allowances applicable to U.S. Government employees traveling or posted overseas. Allowances are also applicable to PASA/RSSA contract employees as provided for by contract provision. (Chapter 306)

Technical Assistance

The provision of goods or services to developing countries and other USAID recipients in direct support of a development objective-as opposed to the internal management of the foreign assistance program. (Chapter 306)

Temporary Duty Employees

Employees that provide assistance on a short-term basis under a PASA or RSSA, usually to Missions. They normally are concerned with overall activity direction or provide advice on specific problems, rather than broad assistance over an extended period of time. (Chapter 306)

Uniquely Suitable

A condition in which the proposed Participating Agency is the only source available to provide the required technical assistance. (Chapter 306)

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